

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

SPIRE STL PIPELINE LLC,)	
)	
Plaintiff,)	Const. Case No.: 4:18-CV-01327
)	
v.)	
)	
3.31 ACRES OF LAND, MORE OR LESS,)	
SITUATED IN ST. CHARLES COUNTY,)	
STATE OF MISSOURI et al;)	
)	
Defendants.)	

**DEFENDANT-LANDOWNERS' MOTION FOR RELIEF UNDER
FRCP 60(b)(5) FROM ORDER GRANTING CONDEMNATION, DISSOLUTION OF THE
PRELIMINARY INJUNCTION FOR IMMEDIATE POSSESSION AND HEARING ON
DAMAGES, TRESPASS AND ATTORNEYS' FEES**

Defendant-Landowners through undersigned counsel Carolyn Elefant, LAW OFFICES OF CAROLYN ELEFANT and Jordan Walker, SEVER STOREY on behalf of Defendant-landowners hereby moves this Court for:

1. Relief from the order granting condemnation (Doc. 235) under Fed. R. Civ. Proc. 60(b)(5) because the judgment upon which the Condemnation Order is based -- specifically the Federal Energy Regulatory Commission (FERC) Order Issuing Certificate¹ -- was vacated by the United States Court of Appeals for the District of Columbia on June 29, 2021 in *Environmental Defense Fund v. FERC*, Docket No. 20-1016 (D.C. Circuit 2021);
2. Dissolution of the Preliminary Injunction Injunction Granting Immediate Possession (Doc. Doc. 235) based on changed circumstances arising out of the intervening court

¹ *Spire STL Pipeline*, [Order Issuing Certificate](#), 164 FERC ¶61,085 August 3, 2018), [Order on Rehearing](#), 169 FERC 61,134 (November 21, 2019).

ruling vacating the certificate which deprives Spire of condemnation authority and eviscerates Spire's chances on success on the merits and converts the injunction into an "instrument of wrong" (*O'Sullivan v. City of Chicago*, 396 F.3d 843, 860 (7th Cir. 2005)) that will result in a taking of private property that does not serve a public use in violation Fifth Amendment of the United States Constitution;

3. A hearing on damages resulting from the wrongful taking and project cancellation -- including trespass, constitutional violations, full restoration costs and

4. Dismissal of the Condemnation Complaint with prejudice.

WHEREFORE, Defendant-Landowners respectfully request that the Court grant this motion and the relief requested herein. A memorandum in support of this motion has been filed. In addition, Defendants ask this court to stay the compensation hearings and transfer of legal title to Spire to preserve the status quo, prevent an unlawful taking of property and avoid interference with the D.C. Circuit ruling.

Dated: July 14, 2021

Respectfully submitted,
/s/ Carolyn Elefant
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CERTIFICATE OF SERVICE

I, Carolyn Elefant, certify that on this 14th day of July 2021 I caused the foregoing
Motion to be served by electronic mail to the following:

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